

UNITED STATES DISTRICT COURT

**Jury demand date:** 4-24-68 by plaintiff.

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
Thomas H. Fleeger vs General Insurance Company of America, a Corporation,				For plaintiff: <del>Richard T. Sonberg</del> <del>T. Gavin King</del> , <del>907 Philtower Bldg.</del> <del>913 Petroleum Bg.</del> <del>Tulsa, Ok. 74103</del> T. Gavin King 913 Petroleum Bg. Tulsa, Ok. 74103  Richard T. Sonberg 583-5985 907 Philtower Building Tulsa, Oklahoma 74103			
				For defendant: Bert McElroy 582-5181 205 Denver Bldg., Tulsa, Okla 74119			
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 4-1-68 12-1-73	Clerk			3-14	Houston	15 00	
				3-20	CD 40		15 00
J.S. 6 mailed 5-1-70 11-1-75	Marshal			5-25-70	Sonberg	5 00	
				5-28-70	CD 51		5 00
Basis of Action:	Docket fee						
Damages for malicious and aggravated conduct against plaintiff.	Witness fees						
Action arose at:	Depositions						
Damages-for-malicious-and-aggravated-conduct--against-plaintiff-- Tulsa							

1968 DATE	PROCEEDINGS	Date Order or Judgment Noted
3-14-68	Complaint, filed. Summons Issued. e	
3-22-68	Return on service of summons filed. Executed by serving General Insurance Co. of Am., a corp. by serving the Oklahoma's State Insurance Comm., Mr. Joe B. Hunt, and paying him \$3.00 at Okla. City, Okla. on 3-18-68. h(USM \$4.72)	
4-8-68	Application for extension of time to plead of answer filed by def. h	
4-8-68	Order extending time to plea or answer to 4-22-68 filed. (NCH-h)h	
4-22-68	Answer, filed. w	
4-24-68	Plaintiff's request for jury trial, filed. b	
5-28-68	Counsel to hold pre-trial and file pre-trial order on or before 7-3-68. (AEB-J)g	
7-22-68	Case set for disposition on Tuesday 7-30-68 at 10:00 A.M. (AEB-J)h	
7-29-68	Case called for hearing on disposition. Court orders that parties granted until Sept. 1, 1968 in which to file pre-trial order, and case stricken from docket of this date. (AEB-J)h	
8-22-68	Parties granted until September 20, 1968 in which to file pre-trial order. (AEB-J)h	
9-20-68	Application of parties for extension of time to file pre-trial order, with order attached granting parties until 10-10-68 to file pre-trial order, filed. (MME-Clerk)w	
9-24-68	Reporter's transcript of proceedings had on July 30, 1968; Hearing on disposition, filed. Larry E. Marks, US Court Reporter. ds	
10-4-68	Deposition of Thomas H. Fleeger for Defendant, taken by Loyd J. Christesson, CSR, filed. \$72.00 paid by defendant. ds	
10-4-68	Deposition of Paul H. Mindeman, for Defendant, taken by Timothy Holmes, CSR, filed. \$46.00 paid by defendant. ds	
2-19-69	Court orders that case stricken from disposition assignment of this date and parties granted two weeks in which to file pre-trial order. (AEB-J)h	
3-6-69	Plaintiff's application to file pre-trial order, filed. (copy of pre-trial order proposed, attached) b	
3-11-69	Amendment To Answer, of defendant, filed. js	
3-11-69	Application To File Pre-Trial Order by defendant, filed. js	
3-11-69	Proposed Pre-Trial Order by Defendant, filed. js	
3-28-69	Motion for Production of documents under Rule 34, filed. m	
3-28-69	Memorandum brief in support of defendant's motion to produce documents, filed. m	
3-28-69	Notice of motion for production of documents under Rule 34, filed. m	
5-9-69	Ordered that pltf. file response to deft's motion for production of documents under Rule 34 on or before 5-19-69. (AEB-J)m	
5-13-69	Brief of plaintiff in response to defendant's motion for production of documents, filed. e	
9-30-69	Order, filed, that deft's motion for production of documents is sustained, with copying at expense of deft., and that pltf. shall produce documents within 10 days of this date; and that pltf. is granted 5 days from this date to file motion for protective order. (AEB-J)(copies mailed)m	
10-7-69	Plaintiff's motion for protective order, filed. ds	
10-7-69	Plaintiff's brief in support of motion for protective order, filed. ds	
10-13-69	Order, filed (AEB-J), protective Order be sustained. js	
12-8-69	Plaintiff's motion for summary judgment, filed. g	
12-8-69	Brief in support of motion for summary judgment, filed. g	
12-30-69	Defendant's motion for summary judgment, filed. b	
12-30-69	Defendant's brief in response to plaintiff's motion for partial summary judgment, and in support of defendant's motion for summary judgment, filed. b	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-26-70	Hearing held on motions. Court orders that motions of plaintiff and defendant for summary judgment are hereby taken under advisement. Court directs attorneys to report to court within 3 days. (AEB-J)m	
4-15-70	Order overruling plaintiff's motion for partial S/J, filed. (AEB-J)m (copies mailed)	
4-15-70	Order sustaining deft's motion for S/J, filed and entered. (AEB-J)m (copies mailed)	
4-27-70	Court permits Houston, Klein & Davidson to withdraw as counsel for plaintiff, and T. Gavin King to appear on plaintiff's behalf. (AEB-J)g	
4-27-70	Plaintiff's motion for new trial, filed. g	
4-27-70	Brief in support of motion for new trial filed. g	
4-27-70	Defendant directed to file brief within 10 days in reply to plaintiff's motion for new trial. (AEB-J)g	
5-7-70	Brief in reply to pltf's motion for new trial, filed. m	
5-7-70	Re-entry of appearance by Richard T. Sonberg as atty. for pltf., filed. m	
5-7-70	Supplemental brief by pltf. in support of motion for new trial, filed. m	
5-21-70	Order overruling pltf's motion for new trial, filed and entered. (AEB-J)m (copies mailed)	
5-25-70	Notice of Appeal, filed by the plaintiff. b	
5-25-70	Copy of notice of appeal mailed to Bert McElroy. b	
5-25-70	Copy of notice of appeal mailed to CCofA 10th Circuit. b	
5-27-70	Appeal Bond, filed, in the amount of \$250.00. js	
6-24-70	Stipulation to omit Sub-Exhibit K to defendant's Exhibit 1 from record on appeal, filed. g	
7-1-70	Appeal record (orig. + 3 cpies) sent to USCA, Denver. g	
9-23-70	Motion of defendant-Appellee, General Insurance Company of America for correction or modification of appeal record, filed. g	
9-23-70	Brief in support of motion for modification of record, filed. g	
9-25-70	Order modifying record of appeal to include depositions of Thomas H. Fleeger and Paul H. Mindeman, filed. g	
9-25-70	Supplemental appeal record containing depositions of Thomas H. Fleeger and Paul H. Mindeman forwarded to USCA. g	
2-8-72	Mandate & Opinion of USCA, 10th Circuit, reversing judgment of 4-15-70 and remanding cause for further proceedings in accordance with the opinion, filed and spread of record. g	
1-9-74	MO: Parties are directed to hold PT conference prior to 2-11-74, & file PT order not later than 2-22-74. (AEB-J)v -notices mld.	
2-27-74	Pre-trial order, filed. (AEB-J)g	
4-19-74	MO: Ordered that this case is set for Jury Trial on Wed., May 8, 1974 at 10:00 a.m. (AEB-J)e	
5-1-74	Joint application to strike from docket, filed. hm	
5-1-74	Ordered that upon the joint application of attys. for pltf. & deft. case is stricken from the jury docket of 5-8-74, to be reset on the next jury docket. (AEB-J)hm (notices sent)	
5-31-74	Renewed mo/partial SJ of pltf's., filed. rm	
5-31-74	Brief of pltf. in support of renewed mo/partial SJ., filed. rm	
5-31-74	MO: Ordered by the Ct. that def. is granted 10 days in which to respond to mo/partial SJ of pltf. (AEB-J)rm - ltr written	

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-3-74	Defendant's motion for summary judgment, filed, adopting brief heretofore, filed. g	
12-10-74	It IS ORDERED that this case be assigned to the Honorable Howard C. Bratton. IT IS ORDERED that Defendant's Motion for Summary Judgment and Plaintiff's Renewed Motion for Partial Summary Judgment be and the same are hereby set for hearing on March 4, 1975, at 9:30 A.M. (AEB-J). js <i>notices mailed</i>	
2-21-75	MO: It is ordered by the Court that the hearing on Deft's mot. for S/J & on Pltf's Renewed mot. for partial S/J is hereby re-set for 9:00 a.m. on Tuesday, 3-4-75. (HCB-J)k cps mld	
2-26-75	MO: Ordered by the Court that the hrg. on def. mo/SJ & on pltf. renewed mo/partial SJ is passed & reset for 9:00 a.m. on Monday, 3/17/75. (HCB-J)rm - parties notified by phone & ltr.	
3-17-75	Hearing held on pltf. renewed mo/partial SJ and def. mo/SJ. Parties rep. by counsel of record. Statements made. Motions taken under advisement. (HCB-J)rm and entered	
3-27-75	Order, filed, that pltf's Mtn. for Partial Summary Judg. on issue of liability is granted and deft's mtn. for s/j is denied. (HCB-J)jj copy mailed	
3-27-75	Memo. Opinion, filed. (HCB-J)jj copies mailed	
3-31-75	MO: Case transferred to Judge H. Dale Cook. (HCB-J)hm	
4-9-75	MO: Case set for PT hearing 5-1-75 at 10:00 a.m. and for jury trial 6-16-75 at 10:00 a.m. (HDC-J)hm	
4-30-75	MO: Case stricken from PT hearing 5-1-75, and reset at 3:00 p.m. 5-21-75. (HDC-J)hm	
5-20-75	MO: Ordered that PT hearing is continued until 5-28-75 at 3:00 p.m. (HDC-J)hm	
5-28-75	MO: Pre-trial hearing held. Statements made. Parties to file statement relating to damages, with brief in support within 7 days. Pltf. to prepare and file an up-to-date pre-trial order. Case heretofore set for jury trial 6-16-75. (HDC-J)hm	
6-5-75	Requested instructions by pltf., filed. rm	
6-5-75	Trial brief of pltf., filed. rm	
6-10-75	Joint application for continuance, filed. hm	
6-16-75	Ordered by the Court that case is reset for trial to a jury for 10/27/75, filed. (HDC-J)lm cps mld.	
7-2-75	MO: Ordered that case is reset for jury trial 10-28-75 at 10:00 a.m. (HDC-J)hm	
7-30-75	Pltf's Proposed Amended PT Order, filed.	
7-30-75	Deft's Proposed PT Order, filed. jj	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-30-75	Deft's Trial Brief on Measure of Damages, filed.jj	
7-31-75	MO: Case set for further pre-trial hearing 9-12-75 at 10:00 a.m. (HDC-J)hm	
8-4-75	MO: Parties directed to file brief Statement of Difference in PT orders, setting out reasons therefor, by 9-12-75. (HDC-J)hm	
9-12-75	Case called for pre-trial hearing. Statements made. Pltf. states he accepts deft's proposed PT order, and pltf. directed to prepare final PT order after filing of brief. Pltf. to file brief in response to denial of exemplary damages within 5 days. Case previously set for jury trial 10-28-75. (HDC-J)hm	
9-12-75	Statement of differences in PT orders of pltf. & deft., filed. hm	
9-18-75	Supplemental Brief of Measure of Damages by Plaintiff, filed. mm	
10-9-75	Answer Brief to Pltf's Supplemental Brief on Measure of Damages, filed. lm	
10-16-75	Application of parties for order of dismissal, filed. hm	
10-20-75	Order and judgment, filed and entered, that pltf's causes of action are dismissed with prejudice. (HDC-J)hm (copies mailed)	
12-12-84	DEPOS. returned to David Sanders, deft counsel. hm	

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